

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

EMANON SHANNON,)	
)	
Petitioner)	
)	
v.)	Civil Action No. 1:11-cv-1015
)	
JEFFREY N. DILLMAN and)	Hon. Christopher C. Conner
ATTORNEY GENERAL OF THE)	
STATE OF PENNSYLVANIA,)	
)	
Respondents)	

FIFTH STATUS REPORT

Petitioner Emanon Shannon, by and through his counsel Lynn A. Ellenberger of Fegan Scott LLC, and Respondents Jeffrey N. Dillman and the Attorney General of Pennsylvania, by and through their counsel, Assistant District Attorney Ryan Lysaght of the Dauphin County District Attorney's Office, file this fifth joint status report, advising this Court as follows:

1. Pursuant to this Court's order of April 28, 2021 (ECF 28), referring this case for assignment to a magistrate judge to preside over settlement discussions, the following events have occurred:

- a. On May 11, 2021, Magistrate Judge Schwab held a status conference during which the parties agreed to present her and opposing counsel with their confidential settlement position papers (ECF 31);
- b. In accordance with that order, on May 21, 2021, Mr. Shannon provided a 29-page confidential settlement memorandum which, among other things, discussed Mr. Shannon's psycho-social background, assessed the merits of his

habeas corpus claims in the district court and on appeal, and proposed a resolution of this matter;

- c. On June 4, 2021, the Commonwealth provided a 3-page confidential settlement memorandum which also proposed a resolution of this matter;
- d. On June 10, 2021, Magistrate Judge Schwab held a status conference where the parties discussed their positions.
- e. On June 14, 2021, Mr. Shannon suggested another settlement concept to the District Attorney's Office.
- f. On June 23, 2021 and June 30, 2021, Mr. Shannon's counsel had telephone conversations regarding Mr. Shannon's proposal with District Attorney Chardo, who has the sole authority to decide whether the Commonwealth will make an offer to compromise this case.
- g. On July 6, 2021, Mr. Shannon's counsel received a settlement offer from the Commonwealth which is generally contingent on the victims' consent. Mr. Shannon, through counsel, accepted the offer.
- h. On July 27, 2021, Mr. Shannon's counsel contacted the Dauphin County District Attorney's Office to inquire into the status of obtaining victim consent. On July 29, 2021, the Commonwealth advised, "We are in the process of tracking down all the families and hope to be in touch with them very soon."

2. Based on the above, the parties jointly request an additional 30-days, or until September 23, 2021, for the Commonwealth to obtain victim consent and for the parties to file a

status report. If victim consent is secured, the parties will cooperate and use best efforts to implement the settlement as expeditiously as possible.

WHEREFORE, for the foregoing reasons, the parties jointly request that this Court direct that the parties file a fifth joint status report on or before September 23, 2021, and grant such other and further relief as is just and appropriate.

Dated: August 23, 2021

Respectfully submitted,

By: /s/ Lynn A. Ellenberger

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